

AMENDED IN SENATE JUNE 23, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1216**

**Introduced by Assembly Member Vargas**

February 21, 2003

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An act to amend Section 51189 of the Government Code, and to amend Section 13108.5 of the Health and Safety Code, relating to fire safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1216, as amended, Vargas. Fire safety: regulations.

(1) Existing law requires the State Fire Marshal, no later than July 1, 1996, in consultation with the Director of Forestry and Fire Protection, to prepare and adopt a model ordinance that provides for comprehensive space and structure defensibility, including in very high fire *hazard* severity zones.

This bill instead would require the State Fire Marshal, no later than January 1, 2005, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, to recommend—~~regulations~~ *building standards* that provide for comprehensive space and structure defensibility from fires spreading from adjacent structures or vegetation.

(2) Existing law also requires the State Fire Marshal to propose, and the California Building Standards Commission to adopt, amend, and repeal regulations for openings into the attic areas of buildings in fire hazard severity zones, including very high fire hazard severity zones,

~~urban wildland interface communities, and other areas subject to wildland fire threats, as specified.~~

~~This bill, instead, would expand the subject matter of these regulations to require the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, to propose fire protection for roofs, exterior walls, and structure projections, and structure openings. The bill would delete the requirement that the commission adopt, amend, and repeal those regulations. The~~

~~The bill would also define “urban wildland interface community” and would provide that regulations the building standards adopted pursuant to these provisions the bill also apply to other those areas designated unless otherwise determined by a local agency following a specified finding supported by substantial evidence.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 51189 of the Government Code is  
2 amended to read:

3 51189. (a) The Legislature finds and declares that space and  
4 structure defensibility is essential to effective fire prevention. This  
5 defensibility extends beyond the vegetation management practices  
6 required by this chapter, and includes, but is not limited to,  
7 measures that increase the likelihood of a structure to withstand  
8 intrusion by fire, such as building design and construction  
9 requirements that use fire resistant building materials, and provide  
10 protection of structure projections, including, but not limited to,  
11 porches, decks, balconies and eaves, and structure openings  
12 including, but not limited to, attic and eave vents and windows.

13 (b) No later than January 1, 2005, the State Fire Marshal, in  
14 consultation with the Director of Forestry and Fire Protection and  
15 the Director of Housing and Community Development, shall,  
16 pursuant to Section 18930 of the Health and Safety Code,  
17 recommend ~~regulations~~ *building standards* that provide for  
18 comprehensive space and structure defensibility to protect  
19 ~~structures and vegetation from fires spreading from adjacent~~  
20 ~~structures or vegetation.~~ *structures from fires spreading from*



*adjacent structures or vegetation and vegetation from fires spreading from adjacent structures.*

SEC. 2. Section 13108.5 of the Health and Safety Code is amended to read:

13108.5. (a) The State Fire Marshal, *in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development*, shall, pursuant to Section 18930 ~~of the Health and Safety Code~~, propose fire protection ~~regulations~~ *building standards* for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.

(b) ~~Regulations–Building standards~~ adopted pursuant to this section shall also apply to buildings located in very high fire hazard severity zones designated by a local agency pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, and other areas designated by a local agency following a finding supported by substantial evidence in the record that the requirements of the ~~regulations~~ *building standards* adopted pursuant to this section are necessary for effective fire protection within the area.

(c) ~~Regulations–Building standards~~ adopted pursuant to this section shall also apply to buildings located in urban wildland interface communities. A local agency may, at its discretion, *include in or* exclude from the requirements of these ~~regulations~~ *building standards* any area in its jurisdiction following a finding supported by substantial evidence in the record *at a public hearing* that the requirements of these ~~regulations are not necessary~~ *building standards are necessary or not necessary, respectively*, for effective fire protection within the area. *Changes made by a local agency to an urban wildland interface community area shall be final and shall not be rebuttable.*

(d) For purposes of subdivision (c), “urban wildland interface community” means an area that is identified by the United States Department of Agriculture and the United States Department of the Interior as an urban wildland interface community at high risk

- 1 from wildfire and listed in the “List of Fire Threatened
- 2 Communities in California, Appendix A” issued by the
- 3 Department of Forestry and Fire Protection.

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